

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARIN JEROME FRENCH,

Defendant.

3:08-CR-0066-LRH-RAM

ORDER

Before the court is the United States' motion to strike defendant Darin Jerome French's ("French") reply to his motion for a new trial (Doc. #154<sup>1</sup>) for failure to comply with the filing requirements of this court. Doc. #155.

Pursuant to Rule 49 of the Federal Rules of Criminal Procedure, a party filing a document must comply with all the filing requirements for a civil action. FED. R. CRIM. P. 49(d). In a civil action, all documents must be signed and dated when they are filed. *See* Fed. R. Civ. P. 5(d)(3).

Here, French filed his initial motion for a new trial on September 9, 2010. *See* Doc. #152. The motion was accompanied by a signature page signed by French and dated September 9, 2010. *Id.* However, when French filed his reply on September 30, 2010, the accompanying signature page was also dated September 9, 2010. *See* Doc. #154. After reviewing both motions, the court

<sup>1</sup> Refers to the Court's docket number.

1 finds that the reply was composed from a previously signed page which was attached to the reply  
2 after it was written. Therefore, it appears to the court that another person who is not counsel of  
3 record is preparing and filing documents with the court on behalf of defendant through the use of  
4 pre-signed and dated pages which are then attached to the pleadings in violation of the filing rules  
5 of this court. Accordingly, the court shall grant the United State's motion and strike French's reply.  
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8 IT IS THEREFORE ORDERED that the United States' motion to strike (Doc. #155) is  
9 GRANTED. The clerk of court shall STRIKE defendant French's reply to the motion for a new  
10 trial (Doc. #154) in accordance with this order.

11 IT IS SO ORDERED.

12 DATED this 21st day of October, 2010.



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15 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE  
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